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UNITED NATIONS REFORM: MEASURES AND PROPOSALS

Letter dated 11 November 1997 from the Permanent Representative of Colombia to the United Nations addressed to the President of the General Assembly

In my capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, I have the honour to enclose herewith the statements made on behalf of the Movement on 8, 17, 21 and 23 October 1997, during the informal consultations of the plenary of the General Assembly on agenda item 157.

(Signed) Julio LONDOÑO PAREDES
Ambassador
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ANNEX I

Statement by the Permanent Representative of Colombia to the United Nations, on behalf of the Movement of Non-Aligned Countries, during the informal consultations of the plenary on agenda item 157, entitled "United Nations reform: measures and proposals", 8 October 1997

We begin today the analysis of a subject of crucial importance to the Organization on which the attention of our Governments has been centred, as evidenced during the general debate. Our States recognize the extraordinary effort carried out by the Secretary-General in presenting his proposal, the importance of which was expressly underlined by the Ministers for Foreign Affairs of the Movement of Non-Aligned Countries at their meeting on 25 September in New York.

It is evident that the reform process should preserve and promote the centrality and sanctity of the principles and purposes of the Charter of the United Nations and the mandates of the General Assembly and that it should also enable the Organization to fulfil its promise and meet the challenges of contemporary times.

For this reason, in the opinion of the Movement of Non-Aligned Countries, the actions and recommendations presented by the Secretary-General should be analysed with a view to determining those which can be adopted directly by the Secretary-General, within the framework of the Charter and other pertinent provisions. Naturally, this is without prejudice to the right of all States to express their opinions and criteria with regard to them, with a view to their further elaboration and refinement.

Actions and recommendation that have political or budgetary implications should be debated sufficiently within a fully transparent process in which all delegations can participate, without establishing parallel groups or subgroups that would impede the participation of small delegations, thus undermining the general principle of wide and equitable representation of all States. The examination should be made with the celerity that each subject allows, but without setting a time-frame for deliberations, since a hasty decision-making could be detrimental to the final result of this important endeavour.

We are encouraged by the constructive spirit of the proposals formulated by the Secretary-General and are therefore prepared to participate with an open and constructive spirit in the deliberations.

ANNEX II

Statement by the Permanent Representative of Colombia to the United Nations, on behalf of the Movement of Non-Aligned Countries, during the informal consultations of the plenary on agenda item 157, entitled "United Nations reform: measures and proposals", 17 October 1997

As I had the opportunity of expressing during my recent intervention on 15 October, the Movement of Non-Aligned Countries has been carrying out consultations on the issues of political nature contained in the proposal for reform of the Secretary-General with a view to presenting its position.

Although we had announced that we would be referring today to actions 3, 4, 5, 6, 14, 15 and 16, the Movement wishes to reiterate that there is a clear interlinkage between actions and recommendations contained in document A/51/950.

In regard to action 3, the Movement supports phasing out the use of gratis personnel in the Department of Peacekeeping Operations. In this regard, the Movement emphasizes that General Assembly resolution 51/243 of 15 September 1997 should be fully implemented in all its aspects.

In regard to action 4, in principle, the Movement can support the idea of the Special Representative of the Secretary-General having authority over all United Nations entities in the field as this would enhance the coordination of United Nations activities.

In regard to action 5, the Movement of Non-Aligned Countries takes note of the choice of the Department of Political Affairs as the focal point within the United Nations for post-conflict peace-building activities. The Movement emphasizes that the General Assembly should have the key role in defining and providing the general framework and guidelines to be observed by the Secretariat. Furthermore, both the Executive Committee on Peace and Security and the Department of Political Affairs, as focal point, should coordinate with the General Assembly.

The Movement reiterates that all post-conflict peace-building activities should be carried out in accordance with General Assembly resolution 47/120 B of 20 September 1993.

In regard to the task forces mentioned in paragraph 121 of the Secretary-General's report (A/51/950) the Movement considers that more information is required.

The proposal to restructure the functions of the Secretariat concerning disarmament affairs should be guided by the priorities established in relevant General Assembly resolutions and decisions and fully take into account the following:

1. It is the conviction of the Movement of Non-Aligned Countries that the existence of nuclear weapons poses the greatest danger to mankind and their

elimination continues to be a matter of the highest priority. Accordingly, the Movement upheld the continuing validity and importance of the principles and priorities established in the Declaration and the Programme of Action contained in the Final Document of the Tenth Special Session of the General Assembly, in accordance with which the United Nations has the foremost responsibility to promote nuclear disarmament. Moreover, the International Court of Justice has stated that there exists an obligation for all States to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. The Movement endorsed the statement stated in the note by the Secretary-General of 14 October 1997, entitled 'United Nations Reform: Measures and Proposals, Disarmament', that nuclear disarmament must be pursued more vigorously, particularly by the nuclear-weapon States, with a view to the progressive reduction and complete elimination of nuclear weapons at the earliest possible date (A/52/CRP.3, para. 2).

2. The Movement observed that in his note the Secretary-General expressed the view that weapons of mass destruction continued to be of primary importance despite significant progress achieved to outlaw chemical and biological weapons and to strengthen the nuclear non-proliferation regimes. In this connection, the Movement emphasized that the elimination and non-proliferation of weapons of mass destruction are best addressed through multilaterally negotiated, universal, comprehensive and non-discriminatory agreements.

3. On conventional weapons, the Movement recalled that the General Assembly has adopted several resolutions, including the Final Document of the Tenth Special Session. Steps should be taken to deal effectively, through administrative and legislative means, with the increasing problem of illicit transfers of weapons, particularly small arms, which exacerbate tensions leading to strife, conflict and terrorism and have a negative impact upon the socio-economic development of affected countries. In this regard, it welcomes the adoption by the Disarmament Commission in 1996 of guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 September 1991. The role of the Secretariat with reference to the above-mentioned matters is expected to support the implementation of the decisions taken by Member States.

4. The Movement reaffirmed the importance of the Conference on Disarmament as the sole negotiating body in disarmament. The Secretary-General in his note stated that providing staff support to, and servicing the Conference on Disarmament is one of the major functions of the existing Secretariat capacity in the field of disarmament in Geneva. The United Nations Secretariat dealing with disarmament in Geneva and New York should be strengthened in accordance with the principle of equitable geographical distribution of posts by providing adequate staff to carry out its function.

5. On the implementation of treaties on disarmament, the Movement emphasized that questions regarding compliance and redress in case of allegations of violations of specific provisions of such treaties by parties to those treaties should be addressed through the relevant treaty mechanisms and in accordance with such provisions.

The Movement of Non-Aligned Countries supports the initiative of the Secretary-General to promote human rights. All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While significance of national and regional characteristics and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. The right to development has been recognized as an indivisible and integral part of human rights and should be implemented.

The Secretary-General has taken the further step of issuing a circular announcing the merger of the Office of the United Nations High Commissioner for Human Rights and the Centre for Human Rights. How does this conform with the resolutions of the General Assembly establishing the Centre for Human Rights and the United Nations High Commissioner for Human Rights? The circular specifies functions of the High Commissioner which do not conform with General Assembly resolution 48/141 of 20 December 1993. The Movement, therefore, seeks further clarification on this.

On the responsibility of the Deputy to the United Nations High Commissioner for Human Rights as contained in section 4 of the Secretary-General's bulletin ST/SGB/1997 of 15 September 1997, the Movement would like to seek clarifications on the nature of specific substantive and administrative assignments to be decided by the High Commissioner.

In regard to action 14, the Movement considers that the appointment of officers/staff in the Office of the United Nations High Commissioner for Human Rights must reflect the principle of equitable geographical representation as enshrined in Article 101 of the Charter of the United Nations as well as gender balance.

Concerning the right to development, the United Nations High Commissioner for Human Rights should propose specific programmes and actions which promote the implementation of the right to development.

In regard to action 15, the Movement considers that the Secretary-General's proposal to integrate the human rights programme into the broad range of the Organization's activities requires careful consideration. The Movement seeks clarification about the involvement of the United Nations High Commissioner for Human Rights in the activities of the Executive Committees on Peace and Security, Economic and Social Affairs, Development Operations and Humanitarian Affairs. As the United Nations High Commissioner for Human Rights is to assess the human rights dimension of the work carried out by these committees, consideration must be given to what follow-up actions are envisaged, whether the High Commissioner will determine these actions and what role is foreseen for the intergovernmental process.

In the Charter of the United Nations, human rights appears under Chapter IX, on international cooperation in the economic and social sphere. Provisions of the Charter should be strictly adhered to.

The Movement rejects the politicization of human rights. Any attempt to make human rights a conditionality in development cooperation is unacceptable.

The Movement believes that the proposed strengthening of the representation of the Office of the United Nations High Commissioner for Human Rights in New York will entail additional financial resources, so does the involvement of the Office of the United Nations High Commissioner for Human Rights in all the activities of the Organization. In this regard the Movement is seeking clarification on financial implications and the impact on the programmes of work of both offices in Geneva and New York.

In regard to action 16, while the Movement recognizes that resolution 48/141 gave the mandate to the High Commissioner to rationalize, adapt, strengthen and streamline the human rights machinery, this should be within the framework of the overall competence, authority and decisions of the General Assembly, the Economic and Social Council and the Human Rights Commission. The proposal by the Secretary-General in this regard has sidestepped the intergovernmental process, especially the Working Group of the Third Committee.

The review of the human rights machinery must result in greater transparency in its work. At the same time, important appointments within that machinery must be made on the basis of equitable geographical representation and gender balance.

The monitoring committees and special procedures should be open to scrutiny as a matter of course and on a regular basis by the intergovernmental process.

The establishment of priorities within different programmes belongs to Member States. Any proposal in this regard must be subject to the consideration of the General Assembly.

Data banks should maintain information on both developed and developing countries and Member States must have access to these data banks. The accountability and impartiality of the source of information should be ensured.

ANNEX III

Statement by the Permanent Representative of Colombia to the United Nations, on behalf of the Movement of Non-Aligned Countries, during the informal consultations of the plenary on agenda item 157, entitled "United Nations reform: measures and proposals", 21 October 1997

Taking into account the issues to be discussed today, the Movement of Non-Aligned Countries has prepared its position regarding the recommendation following paragraph 115 of the report of the Secretary-General (A/51/950). The Movement is today carrying out consultations on the remaining recommendations to be dealt with and hopes to be able to refer to them as soon as possible.

While stressing the need to prevent conflicts, it is the view of the Movement that the above-mentioned recommendation of the Secretary-General assumes that agreement exists among Member States on the concept of "preventive action" and the measures to be taken in that regard.

The concept of preventive action is new and unclear and Member States have not had the opportunity to discuss, debate and agree to it. It is also of concern that the term preventive action has appeared in a number of recent United Nations publications. Therefore, this concept should be discussed and debated by the General Assembly.

It should also be recalled that negotiations on preventive diplomacy were held over a period of three years and remain inconclusive and that the General Assembly has agreed to continue negotiations on preventive diplomacy in the future. Moveover, the Movement expresses concern on ideas contained in paragraphs 110 and 111, such as giving priority to those with relevant capabilities on providing information, which may violate basic principles of the Charter.

In regard to the second paragraph of the recommendation that the Security Council and the General Assembly consider measures to enhance the rapid reaction capacity of the United Nations, the Movement recognizes the need for the United Nations to deploy peacekeeping operations expeditiously and therefore has supported the establishment of the United Nations standby arrangements system. It recalls the view of the Special Committee on Peacekeeping Operations that the system constitutes a key to the increased effectiveness and rapid deployment capacity of peacekeeping operations (A/52/209, para. 79). The Movement believes that any effort to enhance United Nations peacekeeping capabilities should be based on further developing this useful and familiar system.

The Movement believes that any proposals and measures to enhance United Nations peacekeeping capacities should be presented for the consideration of the Special Committee on Peacekeeping Operations which has the mandate to consider all aspects of peacekeeping.

In regard to the third paragraph of the recommendation, the Movement recognizes that there is a need to draw up, at an early date, a legal framework

for the relationship between United Nations peacekeeping troops and the host Government. Hence, the notion of setting a time-frame for reaching a status-of-forces agreement (SOFA) is a valid objective. By its very nature such an agreement is negotiated and arrived at between the host Government and the United Nations. The United Nations can facilitate this process by offering a SOFA as the basis for discussion and consideration. Such a process would be in keeping with the consensual nature of peacekeeping.

I also wish to make some general remarks on the issue of reimbursements to troop-contributing countries. The Movement is concerned that there is continued borrowing of money from peacekeeping funds for the regular budget of the United Nations resulting in a delay in payments to the troop-contributing countries, especially the developing countries. In this connection, we support the Secretary-General's views expressed in paragraph 114 of his report on the reform on the United Nations (A/51/950).

The Movement emphasizes the urgent need to find a solution to the delays in reimbursements to troop- and contingent-owned equipment provided by countries for peacekeeping operations, in particular the Non-Aligned and other developing countries. The continuation of this problem can adversely affect the participation of the countries of the Movement in United Nations peacekeeping operations.

Finally, I would like to refer to the issue of demining. This year, the Special Committee on Peacekeeping Operations agreed that "the task of operational mine clearance by peacekeeping operations, wherever appropriate, is the responsibility of the Department of Peacekeeping Operations, particularly for the safety of peacekeeping personnel and the effectiveness of their tasks. It stresses that humanitarian mine clearance activities should be conducted under the responsibility of the Department of Humanitarian Affairs (ibid., para. 65)".

In the light of the above statement, the Movement expresses concern over the transfer of functions of the Department of Humanitarian Affairs relating to demining activities to the Department of Peacekeeping Operations.

The Movement supports the request of the Group of 77 and China on the need for further clarification from the Secretary-General as to how the functions of the Department of Humanitarian Affairs would be distributed within the United Nations system, to ensure continued efficient delivery of particularly humanitarian assistance to developing countries.

The Movement stresses the need for the humanitarian mine clearance policies, practices and activities established by the Department of Humanitarian Affairs to remain unaffected.

ANNEX IV

Statement by the Permanent Representative of Colombia to the United Nations, on behalf of the Movement of Non-Aligned Countries, during the informal consultations of the plenary on agenda item 157, entitled "United Nations reform: measures and proposals", 23 October 1997

I only have a very brief statement to make today regarding the position of the Movement of Non-Aligned Countries on the recommendation following paragraph 126 of the Secretary-General's report (A/51/950).

The Movement of Non-Aligned Countries endorses the recommendation by the Secretary-General that the General Assembly undertake a review of the work of the Disarmament Commission and the First Committee with a view to strengthening the effectiveness of the functions of the Committee and the Commission. The Movement is of the view that the action and the recommendation related to disarmament in the Secretary-General's proposal are two inseparable elements. In this context, the statement by the Movement of Non-Aligned Countries on 17 October 1997 (see annex II) continues to retain its full relevance and the Movement will continue to work actively in the process of updating, rationalizing and streamlining the work of the Committee and the Commission.